

Docket No. Y0R920000605US1

EXPRESS MAIL NO. EL750741211US

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD FOR A UTILITY PROVIDING ELECTRICITY VIA CLASS OF SERVICE

the specification of which (check one)

X is attached hereto.

— was filed on _____
as Application Serial No. _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):	Priority Claimed	
_____	Yes <u> </u> No <u> </u>	
(Number)	(Country)	(Day/Month/Year)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial #)	(Filing Date)	(Status)
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Docket No. YOR920000605US1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Manny W. Schecter (Reg. 31,722); Lauren Bruzzone (Reg. 35,082) Christopher A. Hughes (Reg. 26,914); Edward A. Pennington (Reg. 32,588); John E. Hoel (Reg. 26,279); Joseph C. Redmond, Jr. (Reg. 18,753); Douglas W. Cameron (Reg. 31,596); Louis P. Herzberg (Reg. 41,500); Derek S. Jennings (Reg. 41,473); Stephen C. Kaufman (Reg. 29,551); Daniel P. Morris (Reg. 32,053); Paul J. Otterstedt (Reg. 37,411); Louis J. Percello (Reg. 33,206); Robert P. Tassinari, Jr. (Reg. 36,030); Robert M. Trepp (Reg. 25,933); Marian Underwiser (Reg. 46,134); and Gail H. Zarick (Reg. 43,303).

Send correspondence to: Duke W. Yee, Carstens, Yee & Cahoon, LLP, P.O. Box 802334, Dallas, Texas 75380 and direct all telephone calls to Duke W. Yee, (972) 367-2001

FULL NAME OF SOLE OR FIRST INVENTOR: Stephen J. Boies

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 57 Circle Way
Mahopac, New York 10541

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF SECOND INVENTOR: Samuel M. Dinkin

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 2417 Trail of the Madrones
Austin, Texas 78746

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF THIRD INVENTOR: David Perry Greene

INVENTORS SIGNATURE: David Perry Greene DATE: 01/29/2001

RESIDENCE: 36 Overlook Road
Ossining, New York 10562

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF FOURTH INVENTOR: Paul Andrew Moskowitz

INVENTORS SIGNATURE: Paul Andrew Moskowitz DATE: 1/29/01

RESIDENCE: 2015 Hunterbrook Road
Yorktown Heights, New York 10598

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF FIFTH INVENTOR: Edith Helen Stern

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 661 Hanover Street
Yorktown Heights, New York 10598

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF SIXTH INVENTOR: Barry Edward Willner

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 365 Pine Road
Briarcliff Manor, New York 10510

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF SEVENTH INVENTOR: Philip Shi-lung Yu

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 18 Stornoway
Chappaqua, New York 10514

CITIZENSHIP: United States

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Prior Foreign Application(s):	Priority Claimed		
<u> </u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year)	<u> </u> Yes <u> </u> No

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Send correspondence to: Duke W. Yee, Carstens, Yee & Cahoon, LLP, P.O. Box 802334, Dallas, Texas 75380 and direct all telephone calls to Duke W. Yee, (972) 367-2001

FULL NAME OF SOLE OR FIRST INVENTOR: Stephen J. Boies

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 57 Circle Way
Mahopac, New York 10541

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF SECOND INVENTOR: Samuel M. Dinkin

INVENTORS SIGNATURE: Samuel M. Dinkin DATE: 1/26/1

RESIDENCE: 2417 Trail of the Madrones
Austin, Texas 78746

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF THIRD INVENTOR: David Perry Greene

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 36 Overlook Road
Ossining, New York 10562

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF FOURTH INVENTOR: Paul Andrew Moskowitz

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 2015 Hunterbrook Road
Yorktown Heights, New York 10598

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF FIFTH INVENTOR: Edith Helen Stern

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 661 Hanover Street
Yorktown Heights, New York 10598

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF SIXTH INVENTOR: Barry Edward Willner

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 365 Pine Road
Briarcliff Manor, New York 10510

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF SEVENTH INVENTOR: Philip Shi-lung Yu

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 18 Stornowaye
Chappaqua, New York 10514

CITIZENSHIP: United States

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(Number) (Country) (Day/Month/Year) Yes No

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FULL NAME OF SOLE OR FIRST INVENTOR: Stephen J. Boies

INVENTORS SIGNATURE: Stephen J. Boies DATE: 1-29-2001

RESIDENCE: 57 Circle Way
Mahopac, New York 10541

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF SECOND INVENTOR: Samuel M. Dinkin

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 2417 Trail of the Madrones
Austin, Texas 78746

CITIZENSHIP: United States

POST OFFICE ADDRESS: Same as above

FULL NAME OF THIRD INVENTOR: David Perry Greene

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 36 Overlook Road
Ossining, New York 10562

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CITIZENSHIP: United StatesPOST OFFICE ADDRESS: Same as aboveFULL NAME OF FOURTH INVENTOR: Paul Andrew Moskowitz

INVENTORS SIGNATURE: _____ DATE: _____

RESIDENCE: 2015 Hunterbrook Road
Yorktown Heights, New York 10598CITIZENSHIP: United StatesPOST OFFICE ADDRESS: Same as aboveFULL NAME OF FIFTH INVENTOR: Edith Helen SternINVENTORS SIGNATURE: Edith Helen S. DATE: 1/29/01RESIDENCE: 661 Hanover Street
Yorktown Heights, New York 10598CITIZENSHIP: United StatesPOST OFFICE ADDRESS: Same as aboveFULL NAME OF SIXTH INVENTOR: Barry Edward WillnerINVENTORS SIGNATURE: Barry E. DATE: 1/29/01RESIDENCE: 365 Pine Read
Briarcliff Manor, New York 10510CITIZENSHIP: United StatesPOST OFFICE ADDRESS: Same as aboveFULL NAME OF SEVENTH INVENTOR: Philip Shi-lung YuINVENTORS SIGNATURE: Philip Shi-lung Y. DATE: 1/29/01RESIDENCE: 18 Stornowave
Chappaqua, New York 10514CITIZENSHIP: United States

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POST OFFICE ADDRESS: Same as above

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Boies, et. al.

§ Group Art Unit: Not Assigned

Serial No.: Not Assigned

§ Examiner: Not Assigned

Filed: _____

§ Attorney Docket No.: YOR920000605US1

For: **Method For A Utility Providing
Electricity Via Class of Service**

ASSOCIATE POWER OF ATTORNEY

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I hereby appoint Duke W. Yee, Reg. No. 34,285; Colin P. Cahoon, Reg. No. 38,836; David W. Carstens, Reg. No. 34,134; Scott L. Harper, Reg. No. 45,783; Stephen R. Loc, Reg. No. 43,757; Stephen J. Walder, Jr., Reg. No. 41,534; Charles D. Stepps, Jr., Reg. No. 45,880; Stephen R. Tkacs, Reg. No. 46,430; Christopher P. O'Hagan, Reg. No. 46,966; Lisa L.B. Yociss, Reg. No. 36,975; and Michael Nichols, Reg. No. 46,959, located at P.O. Box 802334, Dallas, Texas, 75380, telephone 972/367-2001, as associate attorneys to prosecute the above-identified application and transact business in the U.S. Patent and Trademark Office connected herewith. This appointment does not revoke the previous Power of Attorney for this case.

Respectfully submitted,

Date: 1/13/01

Stephen C. Kaufman

Stephen C. Kaufman
Registration No. 29,551
IBM Corporation
Intellectual Property Law Department
Bldg. 801/39-2
PO Box 218
Yorktown Heights, NY 10598

IBM DOCKET NO. YOR920000605US1

EXPRESS MAIL NO. EL750741211US

A S S I G N M E N T

Whereas, we,

(1) Stephen J. Boies of Mahopac
County of Putnam and State of New York

and

(2) Samuel M. Dinkin of Austin
County of Travis and State of Texas

and

(3) David Perry Greene of Ossining
County of Westchester and State of New York

and

(4) Paul Andrew Moskowitz of Yorktown Heights
County of Westchester and State of New York

and

(5) Edith Helen Stern of Yorktown Heights
County of Westchester and State of New York

and

(6) Barry Edward Willner of Briarcliff Manor
County of Westchester and State of New York

and

(7) Philip Shi-lung Yu of Chappaqua
County of Westchester and State of New York

have invented certain improvements in

Method for a Utility Providing Electricity Via Class of Service

and executed, respectively, a United States patent application therefore on
(Dates Inventors Signed Declaration) (1) _____, 2001, (2) _____, 2001, (3) 01-29, 2001, (4) _____, 2001, (5) _____, 2001, (6) _____, 2001, (7) _____, 2001.

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefore;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United

Jan 29 01 01:42p

p.7

IBM DOCKET NO. Y0R920000605US1

States application, and we request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in said application to IBM, its successors and assigns; and we hereby agree that IBM may apply for foreign Letters Patent on said invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

(1) Signed at _____ on _____, 2001.

Stephen J. Boies

and (2) Signed at _____ on _____, 2001.

Samuel N. Dinkin

and (3) Signed at Yorktown Hts, NY on Jan 29, 2001.

David Perry Greene
David Perry Greene

and (4) Signed at Yorktown Hts NY on 1/29, 2001.

Paul Andrew Moskowitz
Paul Andrew Moskowitz

and (5) Signed at _____ on _____, 2001.

Edith Helen Stern

IBM DOCKET NO. YOR920000605US1

and (6) Signed at _____ on _____, 2001.

Barry Edward Willner

and (7) Signed at _____ on _____, 2001.

Philip Shi-lung Yu

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A S S I G N M E N T

Whereas, we,

(1) Stephen J. Boies of Mahopac
County of Putnam and State of New York

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(2) Samuel M. Dinkin of Austin
County of Travis and State of Texas

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County of Westchester and State of New York

and

(4) Paul Andrew Moskowitz of Yorktown Heights
County of Westchester and State of New York

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County of Westchester and State of New York

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County of Westchester and State of New York

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County of Westchester and State of New York

have invented certain improvements in

Method for a Utility Providing Electricity Via Class of Service

and executed, respectively, a United States patent application therefore on
(Dates Inventors Signed Declaration) (1) 1/29, 2001, (2)
2001, (3) 2001, (4) 2001, (5) January 29, 2001, (6) January 29
2001, (7) Jan 29, 2001.

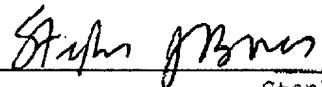
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Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United

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(1) Signed at Hawthorne, NY on 1-29, 2001.



Stephen J. Boies

and (2) Signed at _____ on _____, 2001.



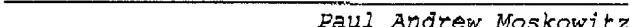
Samuel M. Dinkin

and (3) Signed at _____ on _____, 2001.



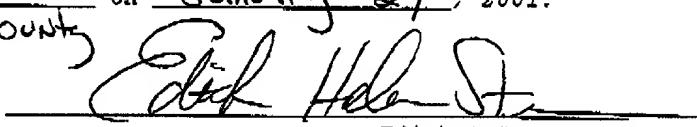
David Perry Greene

and (4) Signed at _____ on _____, 2001.



Paul Andrew Moskowitz

and (5) Signed at Hawthorne, NY on January 29, 2001.
Westchester County



Edith Helen Stern

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Westchester County

B. E.
Barry Edward Willner

and (7) signed at Hawthorne, NY on Jan. 29, 2001.

Philip Shi-lung Yu
Philip Shi-lung Yu